

IN THE UNITED STATES DISTRICT COURT  
OR THE EASTERN DISTRICT OF PENNSYLVANIA

RAFIYQ DAVIS	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
SUPERINTENDENT MIKE WENEROWICZ,	:	No. 14-4974
<u>et al.</u> ,	:	
	:	
Defendants.	:	

**COMMONWEALTH DEFENDANTS' ANSWER  
TO PLAINTIFF'S COMPLAINT**

Commonwealth Defendants Mike Wenerowicz, Frank Regan, T. Faubert and Tom Rowlands, Karen Nyce and Wendy Shaylor (hereinafter "Answering Defendants"), by their counsel, hereby answers the complaint as follows:

I.A. Denied as stated. Plaintiff is no longer incarcerated and resides at 4901 Stenton Avenue, Apt. #K-7, Philadelphia, PA, 19144.

I.B. Admitted as to answering defendants.<sup>1</sup>

II.A. Admitted.

II.B. No response is required.

II.C. Admitted.

II.D. It is admitted that on August 12, 2014, DOC issued a revised DC16E- Sentence Status Summary with time credit adjustments changing plaintiff's controlling maximum date to 4/1/14 and listing his sentence as inactive. It is admitted that plaintiff submitted request slips to defendant Wenerowicz. Admitted that on August 2, 2013, DOC issued a revised DC16E-

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<sup>1</sup> Defendants Pennsylvania Board of Probation and Parole, Kim Nixon, Department of Corrections and the Attorney General have not been served and are unrepresented at the time of this filing.

Sentence Status Summary with time credit adjustments changing plaintiff's controlling maximum date to 8/5/14. Admitted that on February 19, 2014, DOC issued a revised DC16E- Sentence Status Summary with time credit adjustments changing plaintiff's controlling maximum date to 1/4/15. It is admitted that on April 7, 2014, plaintiff was released from SCI Coal Township and paroled to Gaudenzia DRC. It is admitted that plaintiff absconded from Gaudenzia DRC, was arrested and, on May 8, 2014, was received at SCI Graterford. It is admitted that on June 17, 2014, the Board of Probation and Parole issued a decision recommitting plaintiff as a technical parole violator which speaks for itself. It is admitted that on July 9, 2014, DOC issued a revised DC16E- Sentence Status Summary based on the Board of Probation and Parole Order to Recommit. To the extent this paragraph constitutes conclusions of law, no responsive pleading is required pursuant to the Pennsylvania Rules of Civil Procedure. Answering Defendants are without knowledge or information sufficient to form a belief as to the truth of the remainder of this paragraph, which is therefore denied.

III. Answering Defendants are without knowledge or information sufficient to form a belief as to the truth of this paragraph, which is therefore denied.

IV.A.-D. Admitted.

IV.E. It is admitted that plaintiff filed grievances at SCI Graterford about being held past his maximum release date.

IV.E.1. Admitted.

IV.E.2. Denied that plaintiff never received the Pink Action Return Copies to the Grievances he submitted. Answering Defendants are without knowledge or information sufficient to form a belief as to the truth of the remainder of this paragraph, which is therefore denied.

IV.E.3. No response is required.

IV.F.1. No response is required.

IV.F.2. It is admitted that plaintiff submitted request slips to defendant Wenerowicz.

Answering Defendants are without knowledge or information sufficient to form a belief as to the truth of the remainder of this paragraph, which is therefore denied.

IV.G. It is admitted that plaintiff submitted request slips to defendant Wenerowicz.

Answering Defendants are without knowledge or information sufficient to form a belief as to the truth of the remainder of this paragraph, which is therefore denied.

V. This paragraph consists of conclusions of law to which no response is required.

VI.A. Answering Defendants are without knowledge or information sufficient to form a belief as to the truth of this paragraph, which are therefore denied.

VI.B. No response is required.

VI.C. Answering Defendants are without knowledge or information sufficient to form a belief as to the truth of this paragraph, which are therefore denied.

VI.D. Answering Defendants are without knowledge or information sufficient to form a belief as to the truth of this paragraph, which are therefore denied.

AFFIRMATIVE DEFENSES

1. Plaintiff fails to state a claim upon which relief may be granted.

2. Answering Defendants are entitled to qualified immunity.

Respectfully submitted,

KATHLEEN G. KANE  
ATTORNEY GENERAL

By: /s/Cara Bushman Greenhall  
Cara Bushman Greenhall  
Senior Deputy Attorney General

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**CERTIFICATE OF SERVICE**

I, Cara Bushman Greenhall, hereby certify that on March 19, 2015, Commonwealth Defendants Mike Wenerowicz, Frank Regan, T. Faubert and Tom Rowlands, Karen Nyce and Wendy Shaylor's Answer to Plaintiff's Complaint has been filed electronically and is available for viewing and downloading from the Court's Electronic Case Filing System. The ECF System's electronic service of the Notice of Electronic Case Filing constitutes service on all parties who have consented to electronic service.

I also certify that on March 19, 2015, Commonwealth Defendants Mike Wenerowicz, Frank Regan, T. Faubert and Tom Rowlands, Karen Nyce and Wendy Shaylor's Answer to Plaintiff's Complaint was mailed, first class, U.S. mail, postage prepaid to:

Rafiyq Davis  
4901 Stenton Avenue  
Apt. #K-7  
Philadelphia, PA 19144

BY: s/s Cara Bushman Greenhall  
Cara Bushman Greenhall